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REMARKS

In response to the Final Office Action mailed on December 1, 2005, Applicants respectfully requests reconsideration. Claims 1-18, 21-38 and 41-42 are now pending in this Application. Claims 1, 12, 21, 32, 41 and 42 are independent claims and the remaining claims are dependent claims. Claims 1, 21, 41 and 42 are herein amended, Claims 2 and 22 are herein cancelled. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Preliminary Matters

Applicants appreciate the courtesy extended to Applicants representative during a phone call on January 31, 2006. As discussed in the phone call, the prior art of record fails to disclose that the initial request is a request which is a candidate to be converted into a tunneling request. As further discussed with the Examiner, claim 1 is amended to recite the limitations of claim 2 such that details of the step of identifying a request as a candidate to be converted into a tunneling request are now reflected in claim 1. Claims 21, 41 and 42 have been amended in a similar manner. As further discussed with the Examiner, the claims are now believed to be distinguished over the prior art of record. Applicants respectfully submit that a further search is not necessary since claim 2 was previously searched by the Examiner, and the amending of claim 1 to include the elements of claim 2 should not require a new search.

Rejections under §103

Claims 1-6, 8-11, 18, 21-31 and 32-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,496,867 to Besser et al. (hereinafter Besser) in view of U.S. Patent No. 6,292,839 to Naudus et al. (hereinafter Naudus).

Besser discloses a method for initiating a tunnel association in a data network which includes negotiating private addresses for the ends of the

tunneling association. Naudus discloses a method and system for reflexive tunneling using hidden virtual tunnels.

Regarding claim 1, the Examiner stated that Besser discloses the steps of detecting an initial request, identifying the request as a candidate to be converted to a tunneling request and forwarding the tunneling request towards an end tunneling device.

Claim 1 recites that the step of identifying comprises identifying the initial request as a candidate to be converted to a tunneling request. Thus, the initial request is not a tunneling request but can be converted into a tunneling request if certain criteria are met. Besser discloses receiving a tunneling request (e.g. Figure 4, column 7, lines 62-67 through column 8, lines 1-20), not a request **which may be a candidate to be converted into a tunneling request**.

Obviously, if a tunneling request is received, there is no need to determine whether the request is a candidate to be converted to a tunneling request, since it is already a tunneling request. Therefore Besser fails to disclose or suggest identifying an initial request as a candidate to be converted into a tunneling request.

The Examiner stated that “[T]he combination of Besser and Naudus does not disclose identifying an initial request to be a tunneling request”. Claim 1 recites identifying an initial request **as a candidate to be converted** into a tunneling request. The Examiner further states that Besser recites “...receiving a request to initiate the tunneling association, if the request is to initiate the tunneling association, then it is the candidate to be converted into a tunneling request”. Applicants respectfully disagree with this statement. If a request to initiate a tunneling association is received, then the request is already a tunneling request, and there is no need or reason to **convert** the tunneling association request to a tunneling request since it is already a tunneling request. Naudus also fails to disclose or suggest the step of identifying an initial request as a candidate to be converted to a tunneling request.

Further, as discussed with the Examiner, claim 1 has been amended to further recite that the identifying further comprises at least one of detecting that a destination address in the initial request is for a destination device associated with an end tunneling device, identifying any initial request received that has a particular source address as being designated to become a tunneling request, and interpreting information from an initial header in order to identify that the initial request is intended to be a tunneling request.

Accordingly, since neither Besser nor Naudus, taken alone or in combination, disclose or suggest identifying an initial request as a candidate to be converted into a tunneling request, while claim 1 recites such, claim 1 is believed allowable over Besser and Naudus. Claims 21, 41 and 42 include similar language as claim 1, and are also believed allowable for the same reasons claim 1 is believed allowable. Claims 3-6 and 8-11 depend from claim 1, claims 23-31 depend from claim 21, claims 33-38 depend from claim 32 and all are believed allowable as they depend from a base claim which is believed allowable. Claims 2 and 22 have been cancelled without prejudice.

Claims 12-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Naudus in view of U.S. Patent No. 6,675,225 to Genty (hereinafter Genty). Regarding claim 12, the Examiner stated that Naudus discloses "...identifying the tunneling request as a candidate to be an initial request to be converted to an initial request". Applicants do not understand how or why an initial request would be converted to an initial request, since it is already an initial request, or how this applies to claim 12. Claim 12 recites that the step of identifying comprises identifying the tunneling request as a candidate to be converted to an initial request. Thus, the tunneling request is not an initial request but can be converted into an initial request if certain criteria are met

Accordingly, since neither Naudus nor Genty, taken alone or in combination, disclose or suggest identifying a tunneling request as a candidate to be converted into an initial request, while claim 12 recites such, claim 12 is believed allowable over Naudus and Genty. Claims 13-15 depend from claim 12,

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and are believed allowable as they depend from a base claim which is believed allowable.

Claims 7 and 16 -18 were rejected under 35 U.S.C. §103 as being unpatentable over various combinations of Naudus, Genty, Besser and U.S. Patent No. 6,557,037 to Provino (hereinafter Provino). Claims 7 and 16 - 18 depend from claim 1 or 12 and are believed allowable as they depend from a base claim which is believed allowable.

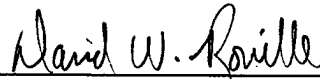
In view of the above, the Examiner's rejections are believed to have been overcome, placing claims 1, 3-18, 21, 23-38, 41 and 42 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

If the U.S. Patent and Trademark Office deems a fee necessary, this fee may be charged to the account of the undersigned, Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



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